



## FACT SHEET

**SUBJECT:** U.S. Department of Human Services, Administration for Children and Families, Office of Refugee Resettlement, Unaccompanied Alien Children Program

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**The Division of Children's Services (DCS)** provides care and placement for children who come into the United States from other countries without an adult guardian. These children are referred to as **unaccompanied alien children (UAC)** in statutes. This program is in the Office of Refugee Resettlement, in the Administration for Children and Families, an operational division of U.S. Department of Health and Human Services.

Treating all children in its custody with dignity, respect and special concern for individual needs, DCS considers the best interests of the child in all placement decisions. DCS strives to provide the highest quality of care tailored to each unaccompanied child in order to maximize opportunities for success both while in care and when discharged from the program.

UAC generally leave their home countries to join family already in the United States, escape abuse, persecution or exploitation in the home country, or to seek employment or educational opportunities in the United States.

### **Background**

#### ***Legal basis for work with UACs:***

By law, HHS must provide for the custody and care of unaccompanied alien children. An unaccompanied alien child is a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody. *See* 6 U.S.C. § 279(g)(2).

Under the Homeland Security Act of 2002, Congress transferred the care and custody of UAC to HHS from the former Immigration and Naturalization Service (INS) to move towards a child welfare-based-model of care for children and away from the adult detention model. In the Trafficking Victims Protection Reauthorization Act of 2008, which expanded and redefined HHS's statutory responsibilities, Congress directed that UAC must "be promptly placed in the least restrictive setting that is in the best interest of the child." *See* 8 U.S.C. § 1232(b)(2).

#### ***Children Served:***

On average between 7,000 and 8,000 children are served annually in this program. In Fiscal Year 2012 (October 1, 2011 – September 30, 2012), this number jumped dramatically, with a total of 13,625 children served by ORR that year. Since that time, the overall increase has continued, resulting in 24,668 UAC referrals from DHS for the 12-month reporting period in FY2013, with the projection for FY2014 currently set at 60,000 referrals.

The children come primarily from Guatemala, El Salvador and Honduras. Most are over 14 and approximately three quarters of them are boys. In FY 2013, origin of youth in this program was as

follows: Guatemala (37%); El Salvador (26%); Honduras (30%); Mexico (3%); Ecuador (2%); and Other (3%). Over the years, the breakdown per country of origin has remained relatively constant.

Children are referred to ORR for placement by another federal agency, usually the Department of Homeland Security. Most children are placed into care because they were apprehended by immigration authorities while trying to cross the border; others are referred after coming to the attention of immigration authorities at some point after crossing the border. The average length of stay in the program is currently near 35 days. Of the children served, some 85% are reunified with their families.

Reasons why these minors have come to the United States include, but are not limited to, the following:

- To escape violence, abuse or persecution in their home countries.
- To find family members already residing in the United States
- To seek work to support themselves, their family, or their own children
- Were brought into the United States by human trafficking rings

The age of these individuals, their separation from parents and relatives, and the hazardous journey they take make them especially vulnerable to human trafficking, exploitation and abuse.

***Services Provided:***

Within HHS, the Office of Refugee Resettlement within the Administration on Children and Families is responsible for providing care to children referred by immigration authorities. Consistent with federal law, ORR/DUCS places children in the least restrictive setting that is in the best interest of the child, taking into account potential flight risk and danger to self and others. The majority of the youth are cared for through a network of state-licensed ORR-funded care providers that provide:

- Classroom education
- Mental and medical health services
- Case management
- Socialization and recreation
- Family reunification services that facilitate safe and timely release to family members or other sponsors that can care for them. We conduct home studies prior to release if safety is in question, and fund follow-up services for at-risk children after their release.

ORR's Division of Children's Services also assumes the following responsibilities:

- Overseeing the infrastructure and personnel of care provider facilities.
- Conducting on-site monitoring visits of care provider facilities and ensuring compliance with DCS national care standards.
- Collecting, analyzing and reporting statistical information on children in the program.
- Providing training to federal, state and local officials who have substantive contact with unaccompanied, undocumented children.
- Developing procedures for age determinations and conducting these determinations along with the Department of Homeland Security.
- Cooperating with the Department of Justice's Executive Office for Immigration Review to ensure that sponsors of the children receive legal orientation presentations.
- Ensuring access to legal representation or counsel for all undocumented, unaccompanied children in custody.
- Granting specific consent for state court jurisdiction over children.

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